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***The Role of Environmental Non-governmental Organizations
Antarctic Conservation – the Case of the Ross Sea MPA***

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Abstract/executive summary

This paper examines the role of ENGOs in the context of the Antarctic environmental regime. It highlights some of the challenges surrounding international environmental politics, methods used by ENGOs to achieve their goals, and ENGO involvement in international environmental regimes. It goes on to outline the role and development of NGOs in the Antarctic context. This paper employs furthermore employs Betsill and Corell's framework of analyses to assess the involvement of ENGOs in the Ross Sea marine protected area agreement. Through an exercise of process tracing exercise it finds the influence of ENGOs, particularly with issue-framing and agenda setting, to be considerable. Ultimately this paper argues that ENGOs are a significant asset to the Antarctic environmental regime due to their position as a nexus between state and public and their ability to promote environmental protection free from geopolitical considerations.

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Introduction

The final decades of the 20th century witnessed the rise of the international environmental movement, which has continued into the 21st century. Parallel to the environmental movement has been the development of environmental non-governmental organizations, or ENGOS. ENGOS operate at both the nation and international level and attempt to influence decisions-makers towards implementing environmentally-conscious policy. The rise of ENGOS in international politics has challenged the realist notion that state is the primary actor in international affairs, as it has been demonstrated that “non-state actors also possess capabilities that can be used to shape international outcomes” (Corell and Betsill 2008, p. 22). It is the hope of ENGOS that these capabilities can be used to implement measures towards environmental protection.

The case of ENGO involvement in Antarctic conservation can provide researchers with a valuable insight into the dynamics of environmental protection in the international system. Antarctica is often both conceptualized as being ‘a pole apart’ from the world, both in terms of its geographical location and its unique political situation (Elliott 1994, p. 1). Thus, an overriding and pertinent theme in examining ENGO involvement in the Antarctic environmental regime is whether or not the ‘ordinary’ politics of the international system are relevant in an Antarctic context (Herr 1996, p. 92). Lorraine Elliott argues that indeed they are, and that by examining how environmental issues are managed in the Antarctic we can gain a better understanding of the difficulties of addressing environmental issues in other parts of the world (Elliott 1994, pp. 1-2).

This paper will examine the issue of ENGO involvement in environmental protection in an Antarctic context. It will proceed in three parts. Part one will begin by outlining the challenges of environmental politics in the international system, before discussing ENGOS as international actors and the role that they play in the international system. Part two will examine ENGOS in an Antarctic context, briefly exploring the Antarctic environmental regime and the rise of ENGOS within it before outlining the methods Antarctic ENGOS employ in pursuing their goals. Part three will critically analyse the role of ENGOS in the Antarctic with a case study on their influence in the Ross Sea marine protected area (MPA) agreement of 2016. To do so, this paper will employ Betsill and Corell’s (2008) framework of analyses for assessing the influence of ENGOS in international environmental negotiations. This paper ultimately argues that ENGOS are a significant asset to the Antarctic environmental regime due to their position as a nexus between state and public and their ability to promote environmental protection free from geopolitical considerations.

1 Environmental Non-governmental Organizations in Global Environmental politics

1.1 Environmental Protection in the International System

Environmental considerations are arguably among the most pressing concerns for policy-makers in the 21st century. The international environmental movement blossomed in the late 1960s and early 1970s due to an increase in public interest and awareness of environmental issues. These were largely driven by advances in scientific knowledge, a series of widely-publicized environmental disasters, growing concerns over nuclear testing and the threat of nuclear fallout, and the publication of several notable environmental books, such as Rachel Carson’s *Silent Spring* (McCormick 2005, p. 89). In response to growing international concern, the United Nations organized a Conference on the Human Environment in 1972 in Stockholm, Sweden, attended by 119 states. Known as the Stockholm conference, this was “the first meeting at which a combination of

governments and NGOs from around the world sat down to address the global aspects of the emerging environmental crisis” (McCormick 2005, p. 89). This led to the establishment of the United Nations Environment Programme (UNEP), “a permanent forum for monitoring global environmental trends, convening international meetings and conferences, and negotiating international agreements (Vig 2005, p. 1). Since 1972 there have been numerous international conferences on environmental management. Notable examples include the World Commission on Environment and Development in 1987 where the term ‘sustainable development’ was adopted by United Nations, the United Nations Conference on Environment and Development (the ‘Earth Summit’) in 1992, the World Summit on Sustainable Development in 2002 and UN Conference on Sustainable Development in 2012 (United Nations 2017).

Despite these international conferences and the ever-growing public support for environmental action, “the record of local and national governments in addressing the causes and consequences of environmental damage has been mixed at best. Lip service has been paid to the importance of environmental management, but practical action has often fallen short of government pronouncements” (McCormick 2005, p. 83). These systematic failures by governments have led some commentators to suggest that the current international political system is inadequate to deal with unfamiliar and extreme issues such as global environmental degradation (McCormick 2005, p. 83). This failure to address environmental issues has arguably led to a worsening of these issues. John McCormick suggests that failure to act has been driven by three key factors. The first revolves around the lack of scientific consensus on the causes and effects of environmental issues, allowing policy-makers “to err on the side of caution in making their policy calculations” (2005, p. 85). Second, states have been particularly concerned about the economic and financial costs of taking steps towards more sustainable societies. Finally, states have had little incentive to meet environmental obligations, for although they may be party to international organizations and treaties, due to the anarchical nature of the international system there are few powers of coercion over states to meet environmental agreements (McCormick 2005, p. 85). This is echoed by Lorraine Elliott, who contends that measures adopted by states are often inadequate due to compromises arising from national self-interest, and that in the absence of any central authority monitoring state activity compliance is often minimal (1994, p. 2). A further key issue in effective environmental protection is what is known as the ‘double-bind’, whereby while it may be in the best interest of states in the long run to engage in environmental protection, “states will not participate in such cooperative efforts unless there is some guarantee that other states will do likewise” (Hurrell and Kingsbury 1992, p. 4).

1.2 What are NGOs?

Elliott has observed that there is a growing recognition from policy-makers and the general public that global environmental issues require creative solutions from a variety of actors (1994, p. 2). Due to the perceived failings of the state system to address such matters, McCormick argues that private citizens have risen to the challenge of environmental protection “by attempting to generate pressure for political change through the work of NGOs” (2005, p. 83). An NGO can be considered as “group of people (or coalitions of organizations) who come together outside the formal structures of government in an institutionalized and regular manner in an effort to achieve social, economic, or political change” (McCormick 2005, p. 86). This is consistent with Betsill and Corell’s definition, who draw on Oberthür et al.’s (2002) conceptions of NGOs and suggest that there are three criteria which

an NGO must meet: “(1) that it is not formed by a government agreement, (2) has expertise or interests relevant to the international institution, and (3) expresses views that are independent of any national government” (2008, p. 5). An environmental NGO can thus be considered as an NGO who has expertise or interest in one or many environmental issues.

NGOs broadly fit into two categories: special-interest, or sectional, NGOs that focus on specific issues, and social-advocacy, or promotional, NGOs that appeal to mass public interest (Herr 1996, p. 93). NGOs use different strategies to achieve their goals depending on which camp they occupy. Sectional NGOs, for example, traditionally use ‘insider’ tactics, or activities that seek to directly influence policy-makers through the provision of expert advice or policy analysis (Böhmelt and Betzold 2013, p. 129). Sectional NGO representatives often have direct access to government officials and can use diplomatic pressure to affect change. Promotional NGOs, on the other hand, typically rely on ‘outsider’ tactics which attempt to put pressure on diplomats and policy-makers by influencing public opinion on an issue (Böhmelt and Betzold 2013, p. 129). They often engage in direct action through organizing mass public demonstrations and protests. Environmental NGOs, it can be argued, occupy a unique position between both these groups. While ENGOS such as Greenpeace and Friends of the Earth frequently engage in public outreach campaigns and organize demonstrations and protests, their activities often have a narrow focus on a particular environmental issue, such as Greenpeace’s ongoing ‘Save the Arctic’ campaign (Greenpeace 2017). By conducting research to help with their campaigns, ENGOS can acquire specialized knowledge around a particular issue, thus giving them legitimacy in environmental regimes and allowing them to employ insider tactics.

Legitimacy is a key concept for any international actor. Legitimacy for ENGOS comes from two sources; the public who they claim to represent, and the wider environmental regime that they are a part of. To explain this, Herr draws attention to David Mitrany’s (1981) argument, which suggests that the state is insufficient in providing the technical and functional needs of its citizens, and is thus an impractical and inappropriate mechanism for promoting common interests across national boundaries, such as environmental protection. Mitrany goes on to suggest that “since people want their needs met, they will seek other sources of authority to promote the cooperative interaction which can meet their needs. By investing in non-governmental associations with their trust, people create an alternative source of influence” (Mitrany 1981, in Herr 1996, p. 94). So long as ENGOS reflect the interests of their members, they can be considered legitimate actors. McCormick follows a similar line of argument, suggesting that, in most cases, “NGOs were created because citizens felt that the state was not dealing effectively with a particular problem”, such as environmental protection (McCormick 2005, p. 99). ENGO legitimacy thus comes from their ability to promote the interests of their supporters.

ENGOS also gain legitimacy through being recognized as valid actors by states and environmental regimes and institutions. By possessing scientific and technical knowledge, ENGO representatives may be brought inside diplomatic processes by providing policy advice, through roles as advisors to national delegations in negotiations, or as invited observers to international meetings. Expert knowledge thus becomes a form of currency for ENGOS to help them gain legitimacy from states and environmental regimes. Because ENGOS gain their legitimacy from both their supporters and from states and environmental regimes, ENGOS can be thought of as occupying a middle space between the public and the state, reaching down for public support for their campaigns, aims and goals, but

also reaching up to influence states and international regimes by being knowledge-based actors. As will be discussed subsequently, the occupation of this middle areas allows them a range of strategies in vying for influence in environmental governance.

1.3 How do ENGOs achieve their goals?

Overall ENGOs seek to facilitate change in the international system in favour of environmental protection. To do so, ENGOs can wear many different hats and take on a diverse range of activities. First, they act as information-brokers, gathering data on the state of the environment, identifying environmental issues, and drafting creative solutions. Through this they can become a major source for policy decisions (McCormick 2005, p. 100). Second, ENGOs take on the role of watchdogs and whistle-blowers, helping to keep track of the progress of actors in the implementation of international agreements. Indeed, as McCormick suggests, “without NGO pressure, there would be little obligation upon states to agree to substantial goals, and there would be little transparency in the process of agreeing and implementing international treaties” (2005, p. 100). Third, ENGOs attempt to define and influence national interest, direction and policy in regard to environmental management. Fourth, ENGOs seeks to promote public concern and awareness for environmental issues. Finally, ENGOs attempt to provide a link between the voices and concerns of public and policy-makers (Elliott 1994, p. 19).

ENGOs attempt to fulfil these roles and goals in a variety of different ways. Arguably the primary action that NGOs take is lobbying at both the national and the international level. They can do this in several ways. One method is to work with elected officials at the domestic level, making submissions on policy proposals or by being advisors to diplomats at negotiations. Another method for lobbying is the submission of papers at international negotiations, provided they have access to these. The level of ENGO access to international meetings relies upon their credibility as legitimate actors in the international system, which, as previously mentioned, stems from their credibility as repositories of knowledge on a particular issue. A second method for lobbying that ENGOs have available to them is mobilizing public support for an issue through campaigning and organizing public demonstrations and protests. While many observers suggest that NGOs have more success using ‘insider’ tactics, Kimball suggests the efficiency of lobbying depends on the lobbyist, the audience and the issue. Indeed, as Kimball argues, “elected officials may be more influenced by a demonstration that their positions on the issue are likely to affect their showing in the polls, whereas a career civil servant may respond more to factual information” (Kimball 1988, p. 49).

A second way ENGOs seek to achieve their goals involves promoting media coverage of environmental issues. This once again relates back to NGOs being sources of knowledge, for this credibility often makes them the first point of call for journalists (Hague and Harrop 2013). Furthermore, McCormick claims that “studies have repeatedly found that environmental groups believe the media is generally sympathetic to their cause”, and thus most groups attempt to generate significant media attention for through demonstrations, marches or protests (McCormick 2005, p. 96). Finally, to help carry out their roles, ENGOs undertake their own original research and organize for that data to be shared with other NGOs. This helps keep all groups up-to-date on particular issues, thus allowing for ENGOs to take a unified stance on issues.

It is important to note, however, that ENGOs should not be seen as a homogenous global community, for organizations “use many different methods, often have different priorities and

objectives, and vary substantially in size, goals, durability, stability, credibility, and ideological orientations” (McCormick 2005, p. 91). Many organizations, such as Greenpeace and Friend of the Earth, take a hard-line approach to environmental issues, using public demonstrations, protests, and direct action as a means to bring about change (McCormick 2005, p. 93). Other groups believe that more effective action can occur through diplomatic channels and political pressure. McCormick notes that while Greenpeace in recent years “have become less confrontational and more willing to work within established political procedures,” there is still a focus on ‘bearing witness’, “that is, by drawing attention to an abuse of the environment through their unwavering presence at the scene, whatever the risk” (2005, p. 93). It is thus possible for groups to change approaches and play different roles in the international system.

1.4 ENGO involvement in international environmental regimes and governance

Non-governmental actors are playing an increasingly significant role in international environmental regimes and governance (Vig 2005). Marvin Soroos considers the term ‘international regime’ to refer to the “combination of international institutions, customary norms and principles, and formal treaty commitments that guide how states relate to a specific subject, problem, or region” (2005, p. 21). The United Nations Environmental Programme is an example of such a regime. As international environmental regimes are built by international actors and institutions, Soroos notes that environmental regimes have been “complemented by a rise in the number and influence of nongovernmental organizations” (2005, p. 22). International environmental regimes in turn help contribute to environmental governance. Governance refers to the activity, process or quality of governing, without presupposing a central government or authority (Hague and Harrop 2013). Norman Vig suggests that governance happens by coordination of action which can “occur through many different institutions, including private social and economic systems and non-governmental organizations (2005, p. 4). By contributing to environmental regimes through their input and participation, ENGOs can be considered to be actors in international environmental governance.

There is an inherent tension between state and non-state actors in international regimes, however. While Elliott notes that ENGOs are increasingly being brought ‘inside’ the diplomatic process through participation in national delegations and as observers in international meetings and negotiations, these activities “remain primarily an inter-governmental affair, and states keep the prerogative to determine which non-governmental actors may participate” (Böhmelt and Betzold 2013, p. 128). This demonstrates that while ENGOs are becoming increasingly prominent actors in the international system, states continue to maintain a monopoly on influence in the international system. Notwithstanding, Böhmelt and Betzold believe that there are two key factors regarding ENGO influence in international meetings and negotiations: namely, the level of access they have to the negotiations, and number of ENGOs actively participating in the negotiations. Better access to negotiations, through both membership in national delegations and direct access as participants or observers, facilitates greater ENGO input, and thus should “also lead to bargaining outcomes that reflect ENGO positions more closely” (Böhmelt and Betzold 2013, p. 131). Böhmelt and Betzold further argue that if ENGOs have greater access international negotiations, they “are generally better able to create leverage over official state negotiators, which then increases the chances that states are more likely to commit to stronger environmental agreements” (2013, p. 143).

2 The Role and Development of NGOs in the Antarctic Environmental Regime

The Antarctic case study provides an opportunity for scholars to examine whether or not the 'ordinary' politics of the international system are relevant in an Antarctic context (Herr 1996, p. 92). As previously noted, the rise of ENGOs is arguably due to the state being viewed as an inefficient actor in dealing with environmental issues. Herr reflects this argument, contending that "where the legitimate authority of the state is unclear, disputed or impractical, some other source of legitimacy will be found or created" (1996, p. 92). Due to the unique nature of Antarctic politics arising from frozen territorial claims and unresolved sovereignty issues, one could assume that non-state actors would come to fore in Antarctic governance. Herr has noted, however, that despite issues of sovereignty "the state system has demonstrated a considerable degree of resilience in Antarctica" (Herr 1996, p. 96). Against this backdrop, this section will examine the nature of the Antarctic environmental regime, the rise of ENGOs in Antarctic environmental affairs, and how ENGOs operate within the Antarctic environmental regime.

2. 1 The Antarctic Environmental Regime

The Antarctic Treaty of 1959 forms the basis of governance in the Antarctic. There are currently 29 consultative parties (ATCPs) who have full voting rights at the annual Antarctic Treaty Consultative Meetings (ATCMs), and 24 non-consultative parties. As Christopher Joyner has noted, "as a multilateral accord, the Antarctic Treaty has been given high marks for its success in mandating demilitarization and denuclearization of the area", as well as facilitating scientific research and cooperation (1998, p 21). Antarctic is thus often referred to as a continent exclusively for peace and science. When the treaty first entered into force, however, environmental considerations were initially subordinate to the political and scientific considerations of the Antarctic Treaty System (ATS), namely the issues of sovereignty, logistic convenience and the facilitation of scientific research (Elliott 1994, p. 53). The extent of environmental protection measures in the original agreement included clauses that prohibited nuclear explosions and the disposal of radioactive waste, and recommend that signatories should take measures towards the "preservation and conservation of living resources in Antarctica" (Antarctic Treaty, article IX, para 1(f)). Lorraine Elliott notes that due to the initial limited amount of international attention in the Antarctic, combined with the low level of concern for (or ignorance of) environmental issues in general, "potential difficulties over the inadequacies of environmental rules and implementation could be masked" (1994, p. 56).

The growth of environmental concern for the Antarctic mirrored the growth of the global environmental movement. Following the ratification of the Antarctic Treaty by member states in 1962, a number of measures concerning environmental protection were passed. These included of the Agreed Measures for the Conservation of Antarctic Flora and Fauna in 1964, the Convention for the Conservation of Antarctic Seals in 1972, and the far more comprehensive Convention for the Conservation of Antarctic Living Resources (CCAMLR) in 1982 (Blay 1992). To help implement its objectives, CCAMLR established a Secretariat, a Commission and a Scientific Committee (Blay 1992, p. 382). While being primarily concerned with "preserving and protecting the integrity of the Antarctic seas ecosystem", CCAMLR has a wide jurisdictional reach and facilitates annual meetings between member parties (Joyner 1998, p. 69).

By the mid-1970s, many countries had begun to express an interest in mining in the Antarctic following "geological research which suggested that the mineral wealth of the continent, both onshore and offshore, was potentially exploitable" (Herr 1996, p. 98). The Convention for the

Regulation of Antarctic Mineral Resource Activities (CRAMRA) was negotiated by treaty parties throughout the 1980s in order to try and regulate potential Antarctic mining in the future, however after Australia and France failed to ratify the resultant document, the agreement fell through (Joyner 1998). Following the demise of CRAMRA the Protocol on Environmental Protection to the Antarctic Treaty, or the Madrid Protocol, was negotiated and signed by ATCMs in 1991, entering into force several years later in 1998. The Protocol represented a significant step forward in terms of environmental protection for the Antarctic as it “provides for comprehensive regulation over activities affecting the Antarctic environment” (Joyner 1998, p. 79). The Protocol established a new institutional body, the Committee for Environmental Protection, which allowed a seat for each ATCP and would provide advice and recommendations to ATCMs (Joyner 1998, p. 79). Following the implementation of the Madrid protocol, there has been a noticeable absence in the passing on activity within the ATS since 1998. In 2009 CCAMLR agreed to designate 94 000 km² of Sea surrounding the South Orkney Islands a marine protected area (MPA), followed by the Ross Sea MPA agreement in October 2016 (CCAMLR 2016 (website)).

2.2 Growth of NGOs in Antarctic Affairs

ENGO interest in the Antarctic mirrored the blossoming international environmental movement. Throughout the late-1970s there was increased interest in Antarctic affairs, and this continued to grow throughout the 1980s due to the ongoing CCRAMRA negotiations and ENGO concerns about environmental consequences of Antarctic mining. As well as arguing for greater environmental protection measures in the Antarctic, ENGOS also “sought to impose transparency and accountability on the Treaty parties” (Elliott 1994, p. 58). Initial involvement by ENGOS in Antarctic affairs was rather limited; with no formal mechanism for inclusion in ATCM meetings, representatives of ENGOS such as the US-based Center for Law and Social Policy (CLASP) and the Sierra Club would stand outside of meetings, distributing position papers with the hope of influencing national delegates (Kimball 1988, p. 36). Towards the end of the 1970s, however, ENGO representatives were starting to be included on national delegations to ATCMs, thus having direct access to proceedings and the opportunity to contribute to the positions of states (Tin 2013, p. 416). The first occasion of this was in 1977, when the Director of the Sierra Club International Office was invited to become a member of the US delegation to the ATCM IX in London, and also later in 1978 at the ATCM X in Washington D.C. (Kimball 1988, p. 36).

The International Union for Conservation of Nature and Natural Resources (IUCN) was the first ENGOS to gain formal access to the ATS (Herr 1996, p. 100). The IUCN, established in 1948 in an umbrella organization, includes both government and non-government organizations, and thus does not fit neatly into the ‘ENGO’ box. While it shares a strong advocacy stance on Antarctic issues with ENGOS such as Greenpeace, Elliott notes that the IUCN sees its role as “one of providing advice and expertise to promote conservation objectives” (1994, p. 59). Herr agrees with this view, and suggests that this legitimacy as a ‘knowledge-based actor’ has stood it in good stead in its dealings with the ATS (1996, p. 100). The IUCN was involved in the drafting of the CCAMLR agreement in which it fought for NGO access, and the final agreement “provides for the Commission and its Scientific Committee to consult with NGOs” (Herr 1996, p. 100). The IUCN was subsequently granted ‘invited expert’ status at the ATCM XIV in 1987, and has regularly attended as an observer since.

Another key Antarctic ENGO is the Antarctic and Southern Ocean Coalition (ASOC), founded in 1977 “to provide coordination between national NGOs so that the developing expertise and knowledge

could best be used collectively” (Elliott 1994, p. 58). ASOC is again an umbrella group for a coalition of over 30 ENGOs with an Antarctic interest (ASOC 2016). Although the group was initially viewed rather negatively by ATCPs due to ASOC’s methods of direct action, perceptions of the group “gradually yielded to an appreciation that ASOC resources [could] add constructively to Antarctic decision-making processes” (Herr 1996, p. 101). By the mid-1980s ASOC representatives had attained individual positions on national delegations, while in 1988 it gained observer status within CCAMLR meetings and in 1991 with CCAMLR’s scientific committee (Herr 1996, p. 101). ASOC was included in the 1990 session of the XI Special Consultative Meeting as an invited expert, and has remained an observer at each ATCM since (Herr 1996, p. 101). A major strength of ASOC is its ability to enable a variety of NGOs “to participate in and become knowledgeable of Antarctic issues without having to make a large investment in either personal or money” (Clark 1994, p. 164). Thus ASOC has allowed for smaller groups to be represented in Antarctic issues.

Greenpeace is third key actor in Antarctic environmental affairs, becoming involved in 1983 “reacting to pressure for involvement in the nascent CRAMRA convention” (Herr 1996, p. 101). Herr has noted that although arriving to the table rather late, Greenpeace accepted the self-assigned challenge of opposing CRAMRA with extraordinary energy and flair, devoting an uncommon amount of resources to the task (Herr 1996, p. 101). Due to their tactics of direct action, however, formal acceptance of Greenpeace as a player in the ATS as always been problematic, and they are often seen as being “more of a gadfly than a serious reformer in the eyes of many actors within the ATS” (Herr 1996, p. 102). Nevertheless, Greenpeace’s involvement in the ATS can be considered as somewhat as an anomaly. While Greenpeace has traditionally been a promotional NGO with a philosophy of direct action and relying heavily upon mass support for its legitimacy, in the case of the Antarctic Greenpeace seemed to be unwilling to rely solely upon popular acceptance to achieve its goal of having the Antarctic designated as a ‘world park’ in the 1980s. Herr has observed that “even while attacking the basis of the state system (muted though sovereignty is in Antarctica), Greenpeace perused a tactic of acting as though it was eligible to become a formal member of the inner circle of decision-makers within the ATS – the Consultative Parties” (1996, p. 102). Greenpeace established its World Park base on Ross Island, and took it upon itself to conduct inspections of the bases of other states operating in the Antarctic. Herr has noted that “while some Consultative Parties appear to have regarded these activities as a parody of the ATS, Greenpeace seems to have genuinely intended its attempt to operate in a Consultative Party fashion to give it legitimacy in the ATS” (1996, p. 102). However, despite essentially fulfilling the criteria to be accepted as an ATCP, Greenpeace’s “antagonism of some Consultative Parties has denied it a formal involvement in its own right in the ATS at any level” (Herr 1996, p. 102). As Kimball explains, “In 1984 the [CCAMLR] Commission decided to consider only the ASOC request [for membership], since ASOC was a coalition composed of a number of constituent bodies, including Greenpeace” (Kimball 1988, p. 44).

NGO involvement in the ATS in the last twenty years has been somewhat muted. As previously noted, there have been little developments in the ATS for since the Madrid Protocol was established. Tina Tin suggests that following the ratification of the Madrid protocol “Antarctica left the public stage as both the general public and ENGOs assumed that the battle was no ‘won’, Antarctica ‘saved’ and efforts could be turned towards more urgent problems elsewhere” (2013, p. 417). Thus, “the involvement of national ENGOs in Antarctic issues appeared to decrease substantially” (Tin 2013, p. 417). However, as will be examined in more depth subsequently, ENGOs have been considerably involved in the process of the Ross Sea MPA agreement throughout the late 2000s.

2.3 Role of NGOs in the Antarctic environmental regime

As with NGOs operating elsewhere, the role for Antarctic NGOs such as ASOC is two-fold: working to influence public opinion on Antarctic environmental issues, and working to promote environmental considerations within the ATS. Tin has argued that the work of NGOs for influence in the ATS is a year-round occupation, and thus it is insufficient to solely look at their contribution to meetings (2013, p. 419). Despite working in the context of the ATS, Antarctic-focused NGOs operate in a very similar way to NGOs working with other environmental concerns. These actions include lobbying, conducting scientific research, carrying out media work, participating in and organizing inter-session and informal meetings, and researching and preparing papers to present at official meetings (Tin 2013). During official meetings NGOs present papers and are frequently involved in the national delegations of ATCPs, and thus must work with diplomats to push objectives that reflect their environmental values. Another important avenue that can be used to apply pressure on government representatives is through behind-the-scenes, informal discussions during breaks, where NGOs representatives can “gather information on the positions of different countries and work to influence the opinions of key delegates” (Tin 2013, p. 420). It has been widely acknowledged that, in particular with the ATS, “a great deal of NGOs’ work is accomplished through informal discussion and alliance-building in hallways, private meetings and coffee breaks, out of the burning spotlight of the meeting”, and thus informal, one-one-one human relationships often “form the foundations on which many decisions in the CEP and ATCM are made” (O’Reilly (forthcoming) in Tin 2013, pp. 417-220). As will be discussed subsequently, however, these informal sessions make it exceptionally difficult to judge exactly how much influence NGOs have in environmental governance.

Roura and Tin have argued that the influence of NGOs in the ATS has been enhanced by their ability to wear several different hats, changing roles between watchdog, partner, dreamer and advisors to Treaty parties (2014, p. 265). By playing the role of watchdog, NGOs monitor activities in Antarctica, challenge the ATS agenda and push for alternative agendas, and monitor and report any environmental abuses to the rest of the world (Tin 2013, p. 421). Within this role NGOs can take both an adversarial position, standing in opposition to the various positions of national delegations, or, as Tin suggests, “a role closer to that of Jiminy Cricket who constantly nags at Pinocchio and reminds him to do the right thing” (2013, p. 422). By flipping between these positions NGOs are able to “tap into the sensibilities of different key players”, thus increasing their influence (Tin 2013, p. 422). NGOs furthermore play a role as partners and technical advisors to treaty parties. As noted by Tin “ASOC has made use of the expertise of its members to gain respect from and acceptance within the ATS”, reflecting the legitimacy derived from acceptance within an international regime (2013, p. 423). NGOs submit working papers to meetings unsolicited, and while these are met with varying degrees of welcome, Tin suggests “that with the right amount of lobbying in advanced they can be significantly debated and included in the final draft” of agreements (2013, p. 423). NGOs finally take on the role of dreamers or visionaries, drawing attention to issues yet to receive attention and constantly reminding parties of “the need for vision, long-term and large-scale strategies and proactive engagement” (Tin 2013, p. 424). NGOs are also the prime actors that can embrace the ethical foundations of the Antarctic Treaty and can promote the need for lasting environmental protection, unhampered by national and commercial considerations such as commercial profits, geopolitical interests and national prestige (Tin 2013, p. 424).

3 ENGO Involvement in Establishing the Ross Sea MPA

The establishment of the Ross Sea marine protected area agreement in 2016 provides an interesting case-study into the role and impact of ENGOs in international environmental regimes. Assessing the influence of any actor in the international sphere is a difficult task. Corell and Betsill (2008), however, have developed an analytical framework that is useful in considering the influence of ENGOs with particular regard to international negotiations. This approach will be outlined and loosely used as a framework to help demonstrate the influence of ENGO involvement in the Ross Sea MPA negotiating process. This section will proceed in three parts. First, it will briefly outline the Ross Sea MPA agreement. It will then go on to examine the general role of ENGOs in the process. Finally, it outline and apply Corell and Betsill's analytical framework in an attempt to assess the level of influence that ENGOs may have had in the process of establishing the Ross Sea MPA agreement.

3.1 The Ross Sea MPA agreement

In October 2016, CCAMLR members agreed to designate a 1.55 million km² area of ocean in the Ross Sea a marine protected area following a joint proposal by New Zealand and the United States. Initial separate proposals were made by the United States and New Zealand in 2011, which were subsequently combined into a single proposal in 2013. Between 2011 and 2015, Ross Sea MPA proposals were repeatedly blocked several actors, including Russia, Ukraine and China. Key concerns raised by these states included the "duration of the MPA, the process to support research and monitoring and the implications for fisheries" (Cordonnery et al. 2015, p. 742). Cordonnery et al. note that Russia in particular was opposed to the proposals, "raising the issue of the size of the proposed MPAs, the arbitrary nature of their boundaries which it alleged did not take into account the distribution of ecosystem and biotypes, along with the irrelevance of further closed areas to fishing when long-term area closures already exist within CCAMLR" (2015, p. 743). Russia was arguably the key actor in the 2016 negotiations, and significant diplomatic efforts were made to gain their support (Davison 2016). The establishment of the Ross Sea MPA is situated in the wider context of attempts to set up a network of MPAs throughout the Southern Ocean. In 2002 agreements were made at World Summit on Sustainable Development in Johannesburg to designate a series of MPAs by in the Southern Ocean by 2012 (Cordonnery et al. 2015, p. 731). While the Ross Sea and South Orkney Islands are the only MPAs so far, other areas proposed for marine protection include the Weddell Sea, areas around the Antarctic Peninsula and off the coast of East Antarctica.

3.2 ENGO public involvement in protection of the Ross Sea

As noted previously, ASOC and the IUCN are the predominant ENGOs involved in Antarctic protection due to their observer status at CCAMLR and ATCM meetings. Throughout the last decade, however, both Greenpeace the Antarctic Ocean Alliance (AOA) have played a significant role in promoting the protection of the Ross Sea. The creation of a network of marine protected areas in the Antarctic is one of ASOC's two main goals. ASOC's public outreach campaign for the Ross Sea has included media releases giving updates on the progress of the MPA, regular blog posts, and raising public awareness through their website (ASOC 2016a). ASOC is also a member of the Antarctic Ocean Alliance (AOA), a consortium of 23 different organizations campaigning for protection of the Ross Sea. AOA was formed in 2010 following CCAMLR's commitment to establish a network of marine protected areas in the Southern Ocean (AOA 2017). AOA has an extensive public outreach campaign, including several celebrity ambassadors such Leonardo DiCaprio, Sylvia Earle, Edward Norton, Richard Branson and Sam Neill. They have significant online presence, publishing

informational videos on Youtube and regular online blog posts. AOA also have a link on their website for the public to send an email directly to their national foreign minister regarding protection of the Ross Sea, and also have a petition to CCAMLR to designate the Ross Sea a MPA which has generated over 320,000 submissions. AOA have furthermore published eight detailed reports on the need for marine protection in the Ross Sea, including *Antarctic Ocean Legacy: A Vision for Circumpolar Protection* and *Antarctic Ocean Legacy: A Marine Reserve for the Ross Sea* which were submitted by ASOC to the ATCM XXXV in Hobart, 2012.

A further actor engaged in significant public outreach with regard to protection of the Ross Sea is the Last Ocean. Established in 2004 and a member of both ASOC and AOA, the Last Ocean has a the explicit goal of promoting “the establishment of a marine protected area in order to conserve the pristine qualities of the Ross Sea” (The Last Ocean 2017). In 2012 the Last Ocean released a feature-length film of the same title, addressing the issue of Antarctic toothfish fisheries in the Ross Sea. Throughout 2012 and 2013 the film was toured around independent film festivals in North America and Europe and the director and founders hosted regular question and answer sessions about the film. During the tour they attempted to lobby supermarkets to stop selling Antarctic toothfish, and asked consumers not to purchase it (The Last Ocean 2017). The Last Ocean also have an online blog and their website has links to AOAs submissions and petitions.

The IUCN are a further ENGO that has had a stake in the establishment of Antarctic MPAs. While, as previously stated, the ICUN take a more knowledge based approach (rather than public outreach), they have extensive information on MPAs in general, Antarctic marine protection and the Ross Sea MPA on their website. Major publications from the IUCN include *Establishing Resilient Marine Protected Area Networks — Making It Happen* (2008) and *Marine Protected Areas and climate change: Adaptation and mitigation synergies, opportunities and challenges* (2016). As observers to ATCMs they have furthermore submitted five information papers regarding Antarctic MPAs between 1999 and 2012. Greenpeace have also supported the Ross Sea MPA, publishing a report on the subject in 2010, entitled *Defending the Last Ocean*.

3.3 Assessing ENGO involvement at international environmental negotiations

It is clear that ENGOs in the case of Ross Sea marine protection have acted in ways consistent with ENGOs in the wider global context. Yet ENGOs have been substantially involved in CCCAMLR and ATCM meetings too. As previously noted, ASOC and the IUCN are the only two ENGOs to have observer status in both CCMALR and ATCM meetings. ASOC in particular is very active in submitting information papers for consideration at ATCMs. Between 1999 and 2016 ASOC tabled 16 information papers on the subject of MPAs, while the IUCN tabled five, bringing the total to 21. The next closest in terms of paper submissions is the United Kingdom, who tabled seven independent papers plus one joint paper, followed by Belgium who tabled three independent papers and two joint papers. Corell and Betsill have noted, however, that participation at meetings does not necessarily translate to influence (2008, p. 26). Thus, just because a particular agreement corresponds to the views of ENGOs on the issue, it does not necessarily follow that ENGOs were responsible for the agreement (Corell and Betsill 2008, p. 30).

Corell and Betsill believe that confusion between involvement and influence can be avoided by researchers focussing on two main questions: what did the ENGOs do in a given negotiating context, and what were the observable effects, focussing in particular “on issue framing, agenda-setting, the

positions of key states, and procedural and substantive outcome” (2008, p. 25). To examine the observable effects, Corell and Betsill suggest using a method of process tracing. Process tracing refers to the exercise of “building a logical chain of evidence linking communication from NGO diplomats with other actors, actors’ response/nonresponse, and effects/noneffects of that communication” (Corell and Betsill 2008, p. 30). This allows for the researcher to examine “the causal links between NGO diplomacy and observed effects... [helping to] identify the conditions under which NGOs exert influence. The following section will examine the observable effects of ENGO involvement in the Ross Sea MPA agreement by using Corell and Betsill’s five indicators. As the main ENGO involved in negotiations, ASOC will be the primary focus of analyses.

3.3.1 Issue framing

Issue framing refers to how an environmental problem is conceptualized prior to and during negotiations (Betsill and Corell 2008, p. 33). Through framing (and re-framing) environmental issues NGO can establish the boundaries within which state must formulate their response (Betsill and Corell 2008, p. 33). It can be argued that ASOC helped frame the Ross Sea MPA debate in two key ways. First, ASOC helped frame the establishment of MPAs as an issue that should be addressed through cooperation between CAMMLR and the Committee on Environmental Protection (CEP), the AT organ born from the Madrid Protocol responsible for providing environmental advice to ATCPs. This need for cooperation was argued in ASOC’s IP 87 ‘Marine Protected Areas – Steps Forward’ at the ATCM XXX in 2007, (ASOC 2007, p. 6), and again in IP 119 ‘Designation of Marine Protected Areas within the Antarctic Treaty Area’, at the ATCM XXXI (ASOC 2008, p. 8). The need for cooperation between CAMMLR and the CEP was subsequently acknowledged by the United Kingdom at the ATCM XXXI, and this concern was included in working papers submitted in both 2009 and 2010, which were met with strong support from several parties (Antarctic Treaty 2009, p. 116 para. 224; Antarctic Treaty 2010, p. 26 para. 44-45). This arguably demonstrates response by an actor to the framing of an issue by ASOC. Second, throughout the negotiations both ASOC and the IUCN consistently argued for the need to establish comprehensive MPA networks in the Southern Ocean, thus framing the issue of the Ross Sea MPA not in isolation but rather as the first step in a wider project for comprehensive marine protection. This again has been reflected in reports and statements made by many ATCPs. ASOC have thus contributed to the framing of the MPA issue by continuously reminding ATCPs of their commitments to the establishment of a network of MPAs. It remains to be seen, however, if further MPAs will be agreed upon in the near future.

3.3.2 Agenda setting

A second key indicator of the influence of NGOs in negotiations is agenda setting. Agenda setting refers to how the key issues that the negotiations may focus on are decided upon. This is arguably where ENGOs have had the most impact. Between 2007 and 2012 ASOC kept the issue of MPA high on the agenda for both CCAMLR and at ATCMs, demonstrated by the information papers they submitted and their constant urging for parties to meet the 2012 goal of MPAs (ASOC 2011, p. 3). While it is recognized that ASOC helped to keep this debate going, it is interesting to note that after the 2012 date for the establishment of a network of MPAs was missed ASOC did not table another information paper specifically on MPAs until 2016. While they remained vocal supporters of MPAs in CCAMLR and spoke out strongly with each failed year, this does not seem to have translated into pressure being applied at ATCMs with the submission of information papers. While this could perhaps be seen as ASOC ‘giving up’ on the issue of MPAs, that their public campaign continued suggests that this was not the case. Another example of ENGO agenda-setting is in ASOC’s specific

push for the Ross Sea MPA. ASOC was the first party to suggest this MPA, presenting IP 48 at the ATCM XXXII in 2009 'A Ross Sea MPA: Preservation for science' which argued the case for an MPA in the Ross Sea (ASOC 2009, p. 3). Further arguments for a Ross Sea MPA were made in information papers in 2010 and 2012. Proposals for a Ross Sea MPA were subsequently made by the United States and New Zealand in 2011 which they continued to push for until the Ross Sea MPA was agreed to in 2016. It would be exceptionally difficult to attempt measure how much influence ASOC might have had on New Zealand and the United States in proposing a Ross Sea MPA. After all, both parties may have been considering making proposals prior to ASOC's submissions. However it is worth noting the continued failure of agreement regarding the combined Australian, French and EU proposal for an East Antarctic MPA (CCAMLR 2015, p. 352), which has so far received little direct ENGO attention, compared to the success of the Ross Sea MPA agreement. The attention/lack of attention afforded to both these MPAs by ENGOs could arguably be considered to reflect the influence NGOs in setting the agenda for a Ross Sea MPA.

3.3.3 Positions of key actors

A third indicator suggested by Corell and Betsill is the positions of key actors, and if these were shaped or changed by ENGO during the negotiations (2008, p. 34). Throughout the negotiations concerns were mostly raised by the delegates from Russia, Ukraine and China (Antarctic Treaty 2013; Antarctic Treaty 2014). Corell and Betsill note that this is where diplomacy can take place at the domestic level, through ENGO direct action and participating in national discussions, as well as at the international level through lobbying at negotiations (2008, p. 36). As previously discussed, a lot of ENGO lobbying takes places on an informal and interpersonal level during meeting breaks, and therefore the influence of ENGOs on the shift in position of these states is largely unknown. It is important to note that there are a significant number of variable affecting states positions negotiations. Many states may have simply been appeased by changes to the agreement, such as China in 2015 (Antarctic Treaty 2015). While the Ukraine originally supported Russia in blocking the Ross Sea MPA, it is speculated that Ukraine revised their position following Russia's annexing of Crimea in 2014 (Sheriff 2014). In the context of the ATS it is challenging to pinpoint the exact influence of ENGOs on other key actors due a lack of substantial information, and is therefore a field of research that would require much more attention than this paper can afford.

3.3.4 Outcome of the agreement: procedural and substantive

A fourth indicator of ENGOs involvement in negotiations can be seen in the outcome of the agreement. Corell and Betsill break this into two categorie: procedural issues and substantive issues (2008, p. 35). Procedural issues refer to the "facilitation of NGO participation in future decision making processes" (Corell and Betsill 2008, p. 35). ASOC has arguably not managed to influence procedural issues, as conversations surrounding the Ross Sea MPA have not revolved around the mechanisms of the creation of MPAs. In this case, therefore, procedural issues are largely irrelevant. The second category is substantive issues of the final agreement, or if the final Ross Sea MPA agreement reflects the positions of ENGOs involved (Betsill and Corell 2008, p. 35). This also can be particularly difficult to assess, however. For one thing, the goals of NGOs can be ambiguous and may not simply revolve around the outcome of a negotiation, but also may focus on the process of the negotiations (Corell and Betsill 2008, p. 27). For example, the goal of an ENGO may be simply to raise awareness for a particular issues, and therefore any conversations by states surrounding the issue might be considered a success. Corell and Betsill furthermore note that NGOs frequently change their goals throughout negotiations towards a position they may see as more attainable (2008, p.

27). Conversely, ENGOs may publically promote extreme positions as a strategy to pull decision-makers in new directions, yet privately expect more moderate results (Corell and Bestsill 2008, p. 27).

With regard to the Ross Sea MPA, ENGOs have considered it a major victory. Despite urging countries to 'go further' with regard to marine protection, AOA (2016) described the agreement as 'momentous', while Greenpeace published an enthusiastic blog post entitle: 'Victory! World's largest marine protected area established off Antarctica!' (Mackenzie 2016). The agreement for the 1.55 million km² Ross Sea MPA, however, falls well short of the 3.6 million km² proposed by AOA in 2012 report *Antarctic Ocean Legacy: A Marine Reserve for the Ross Sea* tabled at the ATCM XXXV. Furthermore, the agreement provides for the MPA to be renegotiated in 35 years' time, falling short of the goal of comprehensive and permanent protection for the Ross Sea (AOA 2012). This was reflected in ASOC's press release, which stated that while ASOC was thrilled with the extent of the Ross Sea MPA, they were "disappointed that CCAMLR could not agree to permanently protect the Ross Sea" (ASOC 2016b). This agreement furthermore happened four years later than initially hoped for. Despite these imperfections, in their closing remarks at the CCAMLR meeting in 2016 ASOC stated: "We think this is a significant achievement for CCAMLR and all its Members that represents the spirit of cooperation that CCAMLR is known for," and that "we are looking forward to working together to make additional progress on MPAs over the coming years" (CCAMLR 2016, p. 51 para 8.70).

By examining these four indicators in a process tracing exercise it has been demonstrated that ASOC has had a substantial influence on the establishment of the Ross Sea MPA agreement. While their exact contribution the proceedings cannot be measured effectively, by examining the activities and actions of ENGOs in regard to the Ross Sea MPA agreement it become apparent that they have affected the process. As Cordonnery et al. before the agreement was reached, without ENGO involvement "one would have to suppose that the serial failures in relation to MPA designation over recent years [would] encourage the hitherto proponent states to allow the issue to lose profile" (Cordonnery et al. 2015, p. 743). Although unable to participate fully in the process due to their limited observer status, ASOC's major role in the negotiating process was there keeping the issue alive and on the agenda for ATCPs.

Conclusion

This paper has examined the involvement of environmental nongovernmental organization (ENGOs) as actors in international environmental regimes. It has demonstrated that despite the unique geopolitics in the Antarctic region, wider trends in ENGO involvement in environmental regimes remain constant. Through employing Corell and Betsill's analytical framework for examining the influence of ENGOs in international environmental, the case-study of the Ross Sea MPA agreement has demonstrated that ENGOs have had a considerable role in influencing the proceedings. Overall, however, the field of ENGOs in as actors in international environmental politics is under-theorized, especially with regard to the Antarctic. This paper has suggested that ENGOs can be considered valuable actors environmental regimes due to their ability to operate as a nexus between states and the public. They can therefore argue for greater environmental protection free from geopolitical or commercial interest. Thus, Tin notes that "in this regard, ENGOs represent the sole voice that speaks out for environmental protection as a top priority" (2013, p. 424).

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